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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,827

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,827

Applicant(s)

DUPREE ET AL.

Examiner

Ruth C. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-23, 25 and 27-32 is/are rejected.
- 7) ☐ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15, 19, 23, 29 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims 15, 23 and 31 recite that the strap has an unfolded, static condition and claims 19 and 29 recite that the strap has an unfolded, static state. These limitations are considered new matter since the specification only show a strap but does not make any reference to an unfolded, static state. These limitations will not be considered for purpose of examination,

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 16, 19, 20, 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch.

Crouch teaches a method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22), the first loop is oriented in a substantially open position (Fig. 1) and the second end (18) includes a second loop (20) defining a second opening (22); (b) routing either the first loop or the second loop through the closed handle (Fig. 2); (c) moving a distal tip of the second loop toward the first opening without substantially twisting the coupling device about a longitudinal axis of the coupling device (Fig. 3); (d) inserting the second loop through the first opening without substantially twisting the coupling device about the longitudinal axis of the coupling device (Fig. 3); and (d) pulling the second loop through the first opening to tighten the coupling device to the closed handled device without twisting the coupling device about the longitudinal axis of the coupling device (Fig. 4). The first opening is sized substantially equal to the second opening. Crouch fails to disclose that the second opening is larger. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first opening is sized to be smaller than the second opening since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since

the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening is sized to be smaller than the second opening.

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

A method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22) and the second end (18) includes a second loop (20) defining a second opening (22). The central axis of the first opening is non-parallel with the central axis of the second opening (when the coupling is being used as shown in Figs. 4-6); (b) routing the first loop through the closed handle (Fig. 2); (c) moving a distal tip of the second loop toward the first opening without twisting the coupling device more than 45 degrees from a longitudinal axis of the coupling device; (d) inserting the second loop through the first opening without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device (Fig. 3); and (e) pulling the second loop through the first opening to tighten the coupling device to the closed handled device without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device (Fig. 4).

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

Crouch fails to disclose that the coupling device is formed from an elongated body having a length and a width and that the first opening of the first loop is sized to correspond with the width of the elongated body. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the coupling device being formed from an elongated body having a length and a width and that the first opening of the first loop is sized to correspond with the width of the elongated body since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening of the first loop being sized to correspond with the width of the elongated body.

3. Claims 17, 18, 21-23, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch in view of Elkins (US 6,216,319 B1).

Crouch discloses all the steps claimed above in paragraph 4 for the rejection of claims 15 and 16. Crouch fails to disclose that the coupling device further comprises a size adjustment collar slidably coupled to the second loop. However, Elkins teaches a coupling device (10) for providing redundant attachment between an arm of a user and a device (30) (Fig. 6). The device comprises a first end having a loop (14) defining an opening (Figs. 1 and 6). The coupling device further comprises a size adjustment collar (16) slidably coupled to the loop (Figs. 1 and 6). The size adjustment collar is provided to allow the loop to fit over the user's arm and then be readily adjusted to a user's wrist

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to be secured thereto (C. 2, L. 56-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the size adjustment collar slidably coupled to the loop as taught by Elkins in the second loop of the device disclosed by Crouch since this loop is the one that engages the user's wrist. Doing so, allows the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto.

Elkins teaches that the method of using the coupling device comprises sliding the size adjustment collar along the second loop in the direction of the user's wrist (C. 2, L. 50-60 and Fig. 6).

Regarding claim 23, a combination of base claim 15 with the limitations of claims 17 and 18 will yield the claimed invention.

Further comprising inserting the second loop through the first opening without twisting the coupling device more than 30 degrees from the longitudinal axis of the coupling device (Fig. 4).

Allowable Subject Matter

4. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 29 and 31 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 17 October 2007 have been fully considered but they are not persuasive.

7. For claim 15, the term "without substantially twisting" is considered a very broad term that can encompass a degree of twisting such as the one being disclosed by Crouch. The claim could be considered allowable if the term is replaced with "without twisting"

8. the coupling device more than 45 degrees from the longitudinal axis of the coupling device " is considered too broad since the twisting can occur at the static condition before any of the method steps take place and the claim limitations will be met

9. For claim 19 and 23, the term "without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device " is considered too broad since the twisting can occur at the static condition before any of the method steps take place and the claim limitations will be met.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/RCR/
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

/James R. Brittain/
Primary Examiner
Art Unit 3677

rcr
December 26, 2007